

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES ALLEN KINNEY,)	CASE NO.: C08-0489-RAJ-MAT
)	
Petitioner,)	
)	
v.)	ORDER GRANTING
)	RESPONDENT'S MOTION FOR
JEFFREY A. UTTECHT,)	EXTENSION OF TIME TO FILE
)	ANSWER TO PETITION
Respondent.)	
_____)	

Respondent has filed a motion for extension of time to file an answer to petitioner's petition for a writ of habeas corpus. (Dkt. No. 16). Having reviewed the motion, and the balance of the record, the Court does hereby find and ORDER as follows:

(1) Respondent cites a delay in obtaining the state court record as the reason for seeking an extension of time. Because this reason is sound, and petitioner should not suffer any prejudice as a result of the extension, respondent's motion (Dkt. No. 16) is GRANTED. Respondent shall file an answer to the petition no later than **July 24, 2008**.

(2) Petitioner has written the Court a letter inquiring about various procedural issues. (Dkt. No. 17). One of the questions he asks is when he will "appear" before the Court. (*Id.*)

ORDER GRANTING RESPONDENT'S MOTION FOR
EXTENSION OF TIME TO FILE ANSWER TO
PETITION
PAGE -1

Petitioner is advised that unless an evidentiary hearing is ordered, he will not physically appear before the Court. Petitioner is further advised that he must always send counsel for respondent a copy of every document that he files with the Court, and he must attach proof of such service to each filing. *See* Local Rule CR 5(f). If he fails to do so, the Court will strike such filings in the future and will not consider them.

(3) The Clerk shall forward a copy of this Order to petitioner, to counsel for respondent, and to the Honorable Richard A. Jones.

DATED this 4th day of June, 2008.



Mary Alice Theiler
United States Magistrate Judge